



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2011 Biennium

<b>Bill #</b>	HB0276	<b>Title:</b>	Clarify responsibility for persons injured by law enforcement
<b>Primary Sponsor:</b>	Stoker, Ron	<b>Status:</b>	As Introduced-Revised

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Significant Local Gov Impact     | <input type="checkbox"/> Needs to be included in HB 2  | <input type="checkbox"/> Technical Concerns                         |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input checked="" type="checkbox"/> Dedicated Revenue Form Attached |

### FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
<b>Expenditures:</b>				
General Fund	\$250,000	\$250,000	\$0	\$0
State Special Revenue	\$250,000	\$250,000	\$0	\$0
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue (Transfer)	\$250,000	\$250,000	\$0	\$0
<b>Net Impact-General Fund Balance</b>	<u>(\$250,000)</u>	<u>(\$250,000)</u>	<u>\$0</u>	<u>\$0</u>

#### Description of fiscal impact:

Section 5 of HB 276 allows for the transfer of \$250,000 from the general fund to a state special revenue account in the Department of Justice each fiscal year of the 2011 biennium. This will result in a negative impact on the general fund. It is assumed that these funds will all be expended on reimbursing counties for the medical costs they incur.

### FISCAL ANALYSIS

#### Assumptions:

1. Section 5 of HB 276 allows for the transfer of \$250,000 from the general fund to a state special revenue account in the Department of Justice each fiscal year of the 2011 biennium.
2. The department does not have data available on the number of claims the counties receive and pay that exceed \$10,000 per individual. Therefore, it is assumed that the department would expend the entire amount transferred in the 2011 biennium on reimbursing counties for the medical costs they incurred as described in HB 276, section 1. However, any unspent funds can be appropriated in the following years.

3. 17-1-508, MCA requires analysis of the statutory appropriation relative to the guidance in 17-1-508 (2), MCA, to be published in the fiscal note. In reviewing and establishing statutory appropriations, the legislature shall consider the following guidelines.

	<u>YES</u>	<u>NO</u>
a. The fund or use requires an appropriation.	X	
b. The money is not from a continuing, reliable, and estimable source.		X
c. The use of the appropriation or the expenditure occurrence is not predictable and reliable.	X	
d. The authority does not exist elsewhere.	X	
e. An alternative appropriation method is not available, practical, or effective.		X
f. Other than for emergency purposes, it does not appropriate money from the state general fund.	X	
g. The money is dedicated for a specific use.	X	
h. The legislature wishes the activity to be funded on a continual basis.	X	
i. When feasible, an expenditure cap and sunset date are included.		X

Comments:

	<b><u>FY 2010 Difference</u></b>	<b><u>FY 2011 Difference</u></b>	<b><u>FY 2012 Difference</u></b>	<b><u>FY 2013 Difference</u></b>
<b><u>Fiscal Impact:</u></b>				
<b><u>Expenditures:</u></b>				
Benefits	\$250,000	\$250,000	\$0	\$0
Transfers	\$250,000	\$250,000	\$0	\$0
<b>TOTAL Expenditures</b>	<b>\$500,000</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$0</b>
<b><u>Funding of Expenditures:</u></b>				
General Fund (01)	\$250,000	\$250,000	\$0	\$0
State Special Rev (02)-Trans:	\$250,000	\$250,000	\$0	\$0
<b>TOTAL Funding of Exp.</b>	<b>\$500,000</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$0</b>
<b><u>Revenues:</u></b>				
General Fund (01)	\$0	\$0	\$0	\$0
State Special Revenue (02)	\$250,000	\$250,000	\$0	\$0
<b>TOTAL Revenues</b>	<b>\$250,000</b>	<b>\$250,000</b>	<b>\$0</b>	<b>\$0</b>
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b>				
General Fund (01)	(\$250,000)	(\$250,000)	\$0	\$0
State Special Revenue (02)	\$0	\$0	\$0	\$0

**Effect on County or Other Local Revenues or Expenditures:**

- Counties that are reimbursed will benefit from this cost offset.

\_\_\_\_\_  
*Sponsor's Initials*\_\_\_\_\_  
*Date*\_\_\_\_\_  
*Budget Director's Initials*\_\_\_\_\_  
*Date*



## Dedication of Revenue 2011 Biennium

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17-1-507-509, MCA.

- a) **Are there persons or entities that benefit from this dedicated revenue that do not pay? (please explain)**

The counties being reimbursed would benefit from this dedicated revenue.

- b) **What special information or other advantages exist as a result of using a state special revenue fund that could not be obtained if the revenue were allocated to the general fund?**

The funds are being allocated to a state special revenue account from the general fund.

- c) **Is the source of revenue relevant to current use of the funds and adequate to fund the program activity that is intended? Yes / No (if no, explain)**

The general fund dollars proposed to fund this program activity are assumed to be adequate.

- d) **Does the need for this state special revenue provision still exist? ☒ Yes ☐ No (Explain)**

It is assumed the counties are currently paying for medical claims that exceed \$10,000.

- e) **Does the dedicated revenue affect the legislature's ability to scrutinize budgets, control expenditures, or establish priorities for state spending? (Please Explain)**

No, the legislature could appropriate the \$250,000 from the general fund.

- f) **Does the dedicated revenue fulfill a continuing, legislatively recognized need? (Please Explain)**

Yes. It is assumed the counties continue to be expected to pay for medical costs. This program and this revenue will help relieve some of the financial burden the counties are experiencing in relation to the medical costs of persons injured by law enforcement.

- g) **How does the dedicated revenue provision result in accounting/auditing efficiencies or inefficiencies in your agency? (Please Explain. Also, if the program/activity were general funded, could you adequately account for the program/activity?)**

There is no impact to the agency with respect to its accounting and auditing capabilities.